



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,045	09/26/2003	Stephen J. Brown	03-0940 / 7553.00038	8048
66683 7590 05/23/2008 HEALTH HERO NETWORK, INC. 2400 GENG ROAD, SUITE 200 PALO ALTO, CA 94303				
EXAMINER				
CHEUNG, VICTOR				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
05/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,045

Applicant(s)

BROWN ET AL.

Examiner

VICTOR CHEUNG

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48, 50-52, 55-62, 64, 65, 68-79, 81-84 and 96-115 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48, 50-52, 55-62, 64, 65, 68-79, 81-84 and 96-115 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Amendments and remarks have been received 1/30/2008.

Claims 48, 50-52, 55-62, 64-65, 68-79, 81-84 and 96-115 are pending.

Priority

2. In the most recently submitted amendment to the priority claims submitted 9/11/2006, Applicant claims that Application 09/119,546 is both a continuation-in-part (CIP) of application 08/953,883 and a continuation (CON) of application 08/958,786. However, it would appear that the present application includes material that was present in the 09/119,546 CIP application but not in the 08/958,786 CON application. For example, it does not appear that the 08/958,786 application, nor its parents of 08/857,187 and 08/247,716 include any mention of comparing the blood-glucose measurements of the user with the same user's previous blood glucose measurements. It is therefore believed that 09/119,546 should be a CIP of 08/953,883 and 08/958,786.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 48, 51, 52, 55-60, 62, 75-79, 81-84, and 96-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent No. 5,307,263) in view of Fletcher et al. (US Patent No. 3,910,257) and Fu et al. (US Patent No. 4,803,625).

Re Claim 48 and 62: Brown discloses a blood glucose monitoring system and a method of using the blood glucose monitoring system including a display device including a display screen, an audio speaker, a processor configured to provide audio and visual signals to the display device and audio speaker, at least one memory (Fig. 1; Col. 5, Lines 44-48), at least one physiological data monitor configured to provide a measurement signal representative of physiological parameter of the user (Fig. 1, Reference No. 16), an interface coupled between the processor and the physiological data monitor (Col. 5, Lines 17-20), a program controller configured to receive an input from the user, enabling the user to make selections and control one or more user functions of the blood glucose monitoring system, provide detailed information to the user based upon operations of the program controller as controlled by the user, predetermined software routines, and the operation data stored within the blood glucose monitoring system, and provide a control signal to the processor based upon the input, thereby to cause the health related information to be provided to the user based upon the measurement signal representative of the blood glucose level and the control signal (Col. 9, Line 67-Col. 10, Line 14), wherein the physiological parameter includes a blood glucose level and the physiological data monitor includes a blood glucose indicator (Col. 7, Lines 33-37).

Brown additionally discloses the system being a blood glucose monitoring system for monitoring a blood glucose level (Fig. 1), wherein the display screen displays the blood glucose level as measured (Fig. 5), a built-in memory including ROM and RAM having stored therein operation

data and operation software routines for controlling the blood glucose monitoring system (Fig. 3; Col. 16, Lines 53-65).

However, Brown does not specifically disclose an electrically isolating interface coupled to the multimedia processor that is not disposed within the housing containing the processor or the glucose monitor.

Brown additionally does not disclose the built-in memory comparing the blood glucose level as measured with stored measurements representative of normative blood glucose levels, and based on the comparing, guiding a user through additional measurements, storing particular information for later retrieval or downloading, recommending a certain action be taken by the user, asking questions of the user, giving advice as to diet or exercise habits of the user, performing one or more further processing functions in response to the comparing or combinations thereof

Fletcher et al. disclose a subject monitoring device including a plurality of couplers included at each end of the cord (Fig. 1, Reference 13) that connects the data monitor and the data acquisition unit and electrically isolates that devices (Col. 3, Lines 45-53).

Fu et al. disclose comparing blood glucose levels with stored measurements representative of normative blood glucose levels, and based on the comparing, guiding the user through additional measurements, and storing particular information for later retrieval or downloading (Col. 2, Line 59-Col. 3, Line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include electrical isolation at the data management unit, outside of the glucose monitor and the processor, such that electrical isolation can be accomplished at any connecting point in the system, not restricted within another device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the processing functions based on comparing blood glucose levels, thereby providing analysis when the blood glucose level is not at an expected level.

Re Claims 51-52: Brown discloses a blood glucose monitor adapted to measure a blood glucose level of a user and for generating a first signal in response to a measurement of blood glucose (Fig. 1, Reference No. 16), a processor for receiving a second signal that is a function of the first signal (Fig. 1, Reference No. 10), an interface coupled between the blood glucose monitor and the processor for receiving the first signal and providing the second signal (Col. 5, Lines 17-20), a memory coupled to the processor for storing blood level data (Col. 12, Lines 4-5), and a display system coupled to the processor for displaying a representation of the blood glucose level data, so as to provide health related information to the user in an interactive manner (Fig. 1, Reference No. 40), and a program controller enabling the user to make selections and control one or more user functions of the system, provide detailed information to the user based upon operations of the program controller as controlled by the user, predetermined software routines, and the operation data stored within the system (Col. 9, Line 67-Col. 10, Line 14).

Brown additionally discloses the memory including ROM and RAM having stored therein operation data and operation software routines for controlling the blood glucose monitoring system (Fig. 3; Col. 16, Lines 53-65).

However, Brown does not specifically disclose an electrically isolating interface coupled to the multimedia processor that is not disposed within the housing containing the processor or the glucose monitor.

Brown additionally does not disclose the built-in memory comparing the blood glucose level as measured with stored measurements representative of normative blood glucose levels, and based on the comparing, guiding a user through additional measurements, storing particular information for later retrieval or downloading, recommending a certain action be taken by the user, asking questions of the user, giving advice as to diet or exercise habits of the user, performing one or more further processing functions in response to the comparing or combinations thereof

Fletcher et al. disclose a subject monitoring device including a plurality of couplers included at each end of the cord (Fig. 1, Reference 13) that connects the data monitor and the data acquisition unit and electrically isolates that devices (Col. 3, Lines 45-53).

Fu et al. disclose comparing blood glucose levels with stored measurements representative of normative blood glucose levels, and based on the comparing, guiding the user through additional measurements, and storing particular information for later retrieval or downloading (Col. 2, Line 59-Col. 3, Line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include electrical isolation at the data management unit, outside of the glucose monitor and the processor, such that electrical isolation can be accomplished at any connecting point in the system, not restricted within another device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the processing functions based on comparing blood glucose levels, thereby providing analysis when the blood glucose level is not at an expected level.

Re Claims 55-56: Brown discloses a hand held program controller and push button switches (Fig. 1).

Re Claim 57: Brown additionally discloses moving images (Col. 5, Line 68-Col. 6, Line 4).

Re Claim 58: Brown does not specifically disclose a comparison of measurements of the blood glucose level with previously stored measurements of the blood glucose monitor.

Fu et al. disclose a comparison of measurements of the blood glucose level with previously stored measurements of the blood glucose level (Col. 11, Lines 24-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to compare measurements to previously stored measurements such that a change in measurement level can be analyzed.

Re Claim 59: Brown additionally discloses educational information (Col. 5, Lines 44-48).

Re Claim 60: Brown additionally discloses the system configured to store information on at least one memory for later retrieval (Col. 1, Lines 56-61; Col. 12, Lines 4-5).

Re Claims 75-76, 81-82: Brown discloses an apparatus for interactively monitoring a blood glucose level and for interactively providing health-related information comprising a display device comprising a display screen (Fig. 1; Col. 5, Lines 44-48), a processor coupled to provide a visual signal to the display screen, wherein the processor is contained within a housing (Fig. 1; Col. 5, Lines 44-48), an interface device coupled to the multimedia processor (Col. 5, Lines 17-20), a glucose monitor coupled to provide a measurement signal representative of a blood glucose level to the electrically isolating interface device (Fig. 1, Reference No. 16), wherein the glucose monitor is configured to operate while physically separated from the processor and outside the housing containing the processor (Fig. 1), and a controller coupled to provide a control signal to the

processor based on user input, so as to provide health related information in an interactive manner (Col. 9, Line 67-Col. 10, Line 5).

Brown additionally discloses the system being a blood glucose monitoring system for monitoring a blood glucose level (Fig. 1), wherein the display screen displays the blood glucose level as measured (Fig. 5), a built-in memory including ROM and RAM having stored therein operation data and operation software routines for controlling the blood glucose monitoring system (Fig. 3; Col. 16, Lines 53-65), and a program controller configured to receive an input from the user, enabling the user to make selections and control one or more user functions of the apparatus, provide detailed information to the user based upon operations of the program controller as controlled by the user, predetermined software routines, and the operation data stored within the apparatus, and provide a control signal to the processor based upon the input, thereby to cause the health related information to be provided to the user based upon the measurement signal representative of the blood glucose level and the control signal (Col. 9, Line 67-Col. 10, Line 14).

However, Brown does not specifically disclose an electrically isolating interface coupled to the multimedia processor that is neither disposed within the housing containing the processor or the glucose monitor.

Brown additionally does not disclose the built-in memory comparing the blood glucose level as measured with stored measurements representative of normative blood glucose levels, and based on the comparing, guiding a user through additional measurements, storing particular information for later retrieval or downloading, recommending a certain action be taken by the user, asking questions of the user, giving advice as to diet or exercise habits of the user, performing one or more further processing functions in response to the comparing or combinations thereof

Fletcher et al. disclose a subject monitoring device including a plurality of couplers included at each end of the cord (Fig. 1, Reference 13) that connects the data monitor and the data acquisition unit and electrically isolates that devices (Col. 3, Lines 45-53).

Fu et al. disclose comparing blood glucose levels with stored measurements representative of normative blood glucose levels, and based on the comparing, guiding the user through additional measurements, and storing particular information for later retrieval or downloading (Col. 2, Line 59-Col. 3, Line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include electrical isolation at the data management unit, outside of the glucose monitor and the processor, such that electrical isolation can be accomplished at any connecting point in the system, not restricted within another device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the processing functions based on comparing blood glucose levels, thereby providing analysis when the blood glucose level is not at an expected level.

Re Claims 79 and 84: Brown additionally discloses means for receiving the signal, converting the signal into an acceptable form for the processor, and controlling the processor (Col. 7, Line 29-Col. 8, Line 45; Col. 10, Lines 5-25).

Re Claims 96, 98, 100, 102, 104, 106, 108, 110, 112, and 114: Brown discloses connecting the system to an information superhighway. Brown discloses the system configured for downloading the particular information obtained from the user to a separate computer or server (Col. 6, Lines 45-68).

Re Claims 99, 103, 107, 111, and 115: Brown does not specifically disclose the built-in memory storing alarm data and alarm software routines for triggering an alarm if the blood glucose level as measured falls outside a predetermined range.

Fu et al. disclose alarm data and alarm software routines for triggering an alarm if the blood glucose level as measured falls outside a predetermined range (Col. 3, Lines 28-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include alarm data and alarm software, thereby providing an indication of a measured level outside of a desired measurement range.

Re Claims 97, 101, 105, 109, and 113: Brown discloses a slot for accepting a memory card, where the memory card is read-only memory or any other memory means such as battery-powered random access memory (Col. 8, Lines 21-32).

However, Brown does not specifically disclose a flash memory card.

Examiner takes OFFICIAL NOTICE that flash memory cards are old and well known storage memory devices.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use flash memory to achieve the predictable result of storing data. Also note that flash memory is a type of read-only memory.

5. Claims 48, 50-52, 54-58, 60, 62, 64, 65, 67-73, 81-82, 84, 96, 100, 104, 108, and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckers (US Patent No. 5,019,974) in view of Brown (US Patent No. 5,307,263) and Fletcher et al. (US Patent No. 3,910,257).

Re Claims 48, 62, 65, 81: Beckers discloses a system and method for monitoring a physiological condition and for providing health-related information comprising a display device including a display screen (Figs. 1-2) which displays the blood glucose level as measured (Col. 12, Lines 6-8), an audio speaker (Fig. 3, Reference No. 38), a processor configured to provide audio and visual signals (Fig. 3, No. 30; Fig. 9, No. 100), at least one built-in memory (Fig. 3, Nos. 32 and 34; Fig. 9, Nos. 102-103), including read-only digital memory or writeable digital memory or both having stored therein operation data and operation software routines for controlling the blood glucose monitoring system (Col. 3, Lines 24-27), comparing medical conditions as measured with stored measurements (Col. 14, Lines 6-13), and based on the comparing, recommending a certain action be taken by the user (Col. 14, Lines 6-13), at least one physiological data monitor configured to provide a measurement signal representative of a user physiological parameter (Fig. 1, No. 60; Fig. 3, No. 58), an interface coupled between the processor and the physiological data monitor (Fig. 3, No. 56), a program controller configured to receive an input from a user, enable the user to make selections and control one or more user functions of the blood glucose monitoring system (Col. 2, Lines 41-68), provide detailed information to the user based upon operations of the program controller as controlled by the user, predetermined software routines, and the operation data stored within the blood glucose monitoring system (Col. 3, Lines 1-20), and provide a control signal to the processor based on the input, causing health related information to be provided to the user (Fig. 1; Fig. 3, No. 48; Col. 1, Lines 33-45), wherein the physiological parameter includes a blood glucose level and the physiological data monitor includes a blood glucose indicator (Col. 2, Lines 34-36).

However, Beckers does not specifically disclose the physiological data monitor configured to operate while physically separated from the processor and outside a housing containing the

processor, and the interface used to electrically isolate the physiological data monitor from the processor.

Brown discloses a system wherein the processor within a housing is physically separated from both the interface device and the physiological data monitor (Fig. 1).

Fletcher et al. disclose a subject monitoring device including a plurality of couplers included at each end of the cord (Fig. 1, Reference 13) that connects the data monitor and the data acquisition unit and electrically isolates that devices (Col. 3, Lines 45-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make separable each individual element of the system as in Brown, such that each standalone device is able to be operated and is each accessible without the entire system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include electrical isolation at the data management unit, outside of the glucose monitor and the processor, such that electrical isolation can be accomplished at any connecting point in the system, not restricted within another device, providing protection to each apparatus and the user from any malfunction.

Re Claims 50, 64, 84: Beckers additionally discloses the system and method of using the interface including a signal receiver for receiving the blood glucose level signal, a converter for converting the received signal into a form acceptable to the processor (Fig. 3, No. 56), and a processor controller for controlling the processor (Fig. 3, Nos. 56 and 42; the I2C Bus requires control of the processor for serial transmission).

Re Claims 51 and 52: Beckers discloses a blood glucose monitor adapted to measure a blood glucose level of a user and for generating a first signal in response to a measurement of blood glucose (Fig. 1, No. 60; Fig. 3, No. 58; Col. 2, Lines 34-36), a processor for receiving a second signal that is a function of the first signal (Fig. 3, No. 30) in a housing (Fig. 1), an interface for receiving the first signal and providing the second signal (Fig. 3, No. 56), a memory coupled to the processor for storing blood level data (Fig. 3, Nos. 32 and 34; Col. 3, Lines 40-50) including read-only digital memory or writeable digital memory or both having stored therein operation data and operation software routines for controlling the blood glucose monitoring system (Col. 3, Lines 24-27), comparing medical conditions as measured with stored measurements (Col. 14, Lines 6-13), and based on the comparing, recommending a certain action be taken by the user (Col. 14, Lines 6-13), a display system coupled to the processor for displaying a representation of the blood glucose data, so as to provide health related information to the user in an interactive manner (Figs. 1 and 2), and a program controller configured to receive an input from a user, enable the user to make selections and control one or more user functions of the blood glucose monitoring system (Col. 2, Lines 41-68), provide detailed information to the user based upon operations of the program controller as controlled by the user, predetermined software routines, and the operation data stored within the blood glucose monitoring system (Col. 3, Lines 1-20).

However, Beckers does not specifically disclose the processor configured to operate while physically separated from the glucose monitor and outside a housing containing the processor, and the interface used to electrically isolate the glucose monitor from the processor.

Brown discloses a system wherein the processor within a housing is physically separated from both the interface device and the physiological data monitor (Fig. 1).

Fletcher et al. disclose a subject monitoring device including a plurality of couplers included at each end of the cord (Fig. 1, Reference 13) that connects the data monitor and the data acquisition unit and electrically isolates that devices (Col. 3, Lines 45-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make separable each individual element of the system as in Brown, such that each standalone device is able to be operated and is each accessible without the entire system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include electrical isolation at the data management unit, outside of the glucose monitor and the processor, such that electrical isolation can be accomplished at any connecting point in the system, not restricted within another device, providing protection to each apparatus and the user from any malfunction.

Re Claims 55 and 68: Beckers additionally discloses that the program controller is hand-held (Fig. 1).

Re Claims 56 and 69: Beckers additionally discloses that the input from the user is from push button switches (Fig. 1; Col. 4, Lines 1-2).

Re Claims 60 and 73: Beckers additionally discloses that the system is configured to store particular information on the at least one built-in memory for later retrieval (Col. 3, Lines 40-50).

Re Claims 57 and 70: Beckers, as modified by Brown and Fletcher et al., teach the limitations of claims 48 and 62, as discussed above.

However, Beckers does not specifically teach moving images.

Brown teaches a health monitoring system wherein the display comprises moving images (Col. 5, Line 68-Col. 6, Line 4).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include moving images on the display to further enhance acceptance and use of the invention to those less interested in a less animated display.

Re Claims 58 and 71: Beckers additionally teaches comparing measurements of the blood glucose level with previously stored measurements of the blood glucose level (Col. 14, Lines 6-13).

Re Claims 59 and 72: Beckers additionally teaches that the information includes educational information (Col. 13, Lines 44-50).

Re Claim 82: Beckers does not disclose that the processor comprises a video game console. Brown discloses the processor comprising a video game console (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a video game console processor, thereby making the motivational and educational material easily accepted by children.

Re Claims 96, 100, 104, 108, and 112: Beckers discloses one or more communication ports configured to connect the blood glucose monitoring system to an information superhighway (Col. 9, Lines 25-29).

Re Claims 98, 102, 106, 110, and 114: Beckers discloses downloading the particular information obtained from the user to a separate computer (Col. 1, Lines 33-45).

6. Claims 97, 101, 105, 109, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckers (US Patent No. 5,019,974) in view of Brown (US Patent No. 5,307,263) and Fletcher et al. (US Patent No. 3,910,257), as applied to claims 48, 51, 62, 75, and 81 above, and further in view of Fu et al. (US Patent No. 4,803,625).

Re Claims 97, 101, 105, 109, and 113: Beckers discloses using built-in memory.

However, Beckers does not disclose a slot for accepting a flash memory card.

Brown discloses a slot for accepting a memory card, where the memory card is read-only memory or any other memory means such as battery-powered random access memory (Col. 8, Lines 21-32).

Examiner takes OFFICIAL NOTICE that flash memory cards are old and well known storage memory devices.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use flash memory to achieve the predictable result of storing data. Also note that flash memory is a type of read-only memory.

7. Claims 99, 103, 107, 111, and 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckers (US Patent No. 5,019,974) in view of Brown (US Patent No. 5,307,263) and Fletcher et al. (US Patent No. 3,910,257), as applied to claims 48, 51, 62, 75, and 81 above, and further in view of Fu et al. (US Patent No. 4,803,625).

Art Unit: 3714

Re Claims 99, 103, 107, 111, and 115: Beckers discloses an alarm (Col. 3, Line 9).

However, Beckers does not specifically disclose the alarm being triggered if the blood glucose level as measured falls outside a predetermined range.

Fu et al. disclose alarm data and alarm software routines for triggering an alarm if the blood glucose level as measured falls outside a predetermined range (Col. 3, Lines 28-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include alarm data and alarm software, thereby providing an indication of a measured level outside of a desired measurement range.

8. Claims 61 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckers (US Patent No. 5,019,974) in view of Brown (US Patent No. 5,307,263) and Fletcher et al. (US Patent No. 3,910,257), as applied to claims 48 and 62 above, and further in view of Hutchens (The News Tribune, June 25, 1994).

Beckers, as modified by Brown and Fletchers et al., teach the limitations of claims 48 and 62.

However, Beckers does not specifically teach the display device being a television, and at least one removable memory.

Brown teaches the use a multimedia processor with at least one removable memory (Fig. 1, Reference Nos. 41-43; Col. 5, Lines 44-59).

Hutchens teaches that video game systems such as the GAME BOY™ of Brown can be played on a television screen (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include removable memories and a television display such that the processor is able to

Art Unit: 3714

operate multiple different programs as necessary on a large display capable of displaying a large amount of information in a high resolution to a plurality of people.

9. Claim 61 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent No. 5,307,263) in view of Fletcher et al. (US Patent No. 3,910,257) and Fu et al. (US Patent No. 4,803,625), as applied to claim 48 above, and further in view of Hutchens ("The News Tribune," June 25, 1994).

Brown, as modified by Fletcher et al. and Fu et al., discloses the limitations of claim 48, discussed above.

Brown additionally discloses the processor has at least one removable memory (Col. 5, Lines 44-48).

However, Brown does not specifically disclose that the display device is a television display.

Hutchens teaches that video game systems such as the GAME BOY™ of Brown can be played on a television screen (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include removable memories and a television display such that the processor is able to operate multiple different programs as necessary on a large display capable of displaying a large amount of information in a high resolution to a plurality of people.

10. Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent No. 5,307,263) in view of Fletcher et al. (US Patent No. 3,910,257) and Fu et al. (US Patent No.

Art Unit: 3714

4,803,625), as applied to claim 75 above, and further in view of Hutchens ("The News Tribune," June 25, 1994).

Brown and Fletcher et al. and Fu et al. disclose the limitations of claim 75, discussed above.

However, Brown does not specifically disclose the display being a television display.

Hutchens teaches that video game systems such as the GAME BOY™ of Brown can be played on a television screen (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a television display such that the information is displayed on large display capable of displaying a large amount of information in a high resolution to a plurality of people.

11. Claims 78 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent No. 5,307,263) in view of Fletcher et al. (US Patent No. 3,910,257) and Fu et al. (US Patent No. 4,803,625), as applied to claims 75 and 81 above, and further in view of Hutchens ("The News Tribune," June 25, 1994) and Nunziata ("Billboard," October 31, 1992).

Brown discloses the limitations of claims 75 and 81, as discussed above.

However, Brown does not specifically disclose a CD-ROM drive and CDs.

Hutchens teaches that video game systems such as the GAME BOY™ of Brown can be played on a television screen (Abstract) through a SUPER NINTENDO ENTERTAINMENT SYSTEM™.

Nunziata teaches that video game consoles such as the SUPER NINTENDO ENTERTAINMENT SYSTEM™ can be adapted to use a CD-ROM and CDs.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a CD-ROM drive and interchangeable compact discs to provide additional functionality to the multimedia processor on a more flexible, larger storage format.

Response to Arguments

12. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.
13. Applicant claims, in the remarks, that claim 54 has been canceled and that claim 54 is also pending. Please clearly indicate the status of this claim.
14. In the Support for Claim Amendments section of Applicant's remarks, Applicant claims that support for the amendments is found in various columns and line numbers. However, the present application does not include any columns or line numbers. The Specification submitted by the Applicant is written in a standard paragraph format that does not include line numbers. Additionally, the publication of the present invention is written in a column format, but the paragraphs are numbered sequentially, and support for the newly added claims is not found at the corresponding column and line numbers. Applicant should clearly indicate where support for the claim amendments can be found.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR CHEUNG whose telephone number is (571)270-1349. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. C./
Examiner, Art Unit 3714

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
05/21/08